



Atty. Dkt. No. 051583-0289

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Kang et al.  
Title: LAYERED CATHODE  
MATERIALS FOR LITHIUM ION  
RECHARGEABLE BATTERIES  
Appl. No.: 10/699,484  
Filing Date: 10/31/2003  
Examiner: Gregg Cantelmo  
Art Unit: 1745  
Confirmation Number: 3154

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, The University of Chicago, having its principal place of business at 5801 South Ellis Avenue, Chicago, Illinois 60637, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/699,484, filed 10/31/2003, by virtue of an Assignment filed and recorded on 3/04/2005, on Reel/Frame 015806/0337, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/800,292, filed 03/12/2004, by virtue of an Assignment filed and recorded on 11/18/2004, on Reel/Frame 015390/0504, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, The University of Chicago, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/699,484 which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application 10/800,292, and hereby agrees that any patent so granted on U.S. Patent Application 10/699,484 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application 10/800,292 shall be the same as the legal title to any patent granted on U.S. Patent Application 10/699,484, this agreement to run with any patent granted on U.S. Patent Application 10/699,484 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/699,484, prior to the full statutory term of any patent granted on U.S. Patent Application 10/800,292 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application 10/800,292 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application 10/800,292 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 10/699,484 that would extend beyond the present termination of any patent granted on U.S. Patent Application 10/800,292, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/699,484 to the extent provided by law.

The undersigned, being the Attorney of Record for U.S. Patent Application 10/699,484, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to U.S. Patent Application 10/699,484 and any patent granted on U.S. Patent Application 10/800,292 rests with Petitioners, The University of Chicago. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 9-6-2006

By 

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Matthew E. Martin  
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